

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Vincent E Pratt
Debtor(s)

Bankruptcy Case No.: 15-20229-CMB
Issued Per Apr. 13, 2017 Proceeding
Chapter: 13
Docket No.: 57 – 50, 51, 53
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated January 31, 2017 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- ☒ H. Additional Terms: The claim of M&T Bank at Claim No. 10-2 governs, to be paid according to payment changes filed of record to date.
The claim of M&T Bank at Claim No. 10-2 to be paid per notice of post-petition fees in the amount of \$425.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.


Carlota M. Böhm, Judge
United States Bankruptcy Court

Dated: April 24, 2017

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Vincent E Pratt
 Debtor

Case No. 15-20229-CMB
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: jhel
 Form ID: 149

Page 1 of 2
 Total Noticed: 49

Date Rcvd: Apr 24, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Apr 26, 2017.

db
 13985378 +Vincent E Pratt, 12 Collins Avenue, Uniontown, PA 15401-3806
 13985379 +Barclays Bank Delaware, PO Box 8803, Wilmington, DE 19899-8803
 13985380 +CFC, 1807 W. Diehl Road, Naperville, IL 60563-1890
 13985381 +CFC, 1807 W. Diehl Road, Napperville, IL 60563-1890
 14003103 +Capital One Bank, PO Box 30281, Salt Lake City, UT 84130-0281
 13985384 Capital One Bank (USA), N.A., PO Box 71083, Charlotte, NC 28272-1083
 13985385 +Direct TV, 507 Prudential Road, Horsham, PA 19044-2308
 13985386 +Dish Nework, PO Box 3097, Bloomington, IL 61702-3097
 13985388 +Exxon Mobil/Citibank, PO Box 6497, Sioux Falls, SD 57117-6497
 13985389 +First Data Merchant, 4000 Coral Ridge Drive, Coral Springs, FL 33065-7614
 13985390 +First Data Merchant SVCS, 4000 Coral Ridge Drive, Coral Springs, FL 33065-7614
 13985391 +First National Bank of Pennsylvania, PO Box 129, Monroeville, PA 15146-0129
 13985392 +GE Capital, 500 Summit Lake Drive, Valhalla, NY 10595-1340
 13985393 +GE Money Retail Bank, 4340 S. Monaco Street, 2nd Floor, Denver, CO 80237-3485
 13985397 +M&T Bank, c/o McCabe, Weisberg & Conway, 123 South Brod Street, Ste 1400, Philadelphia, PA 19109-1060
 13985398 +Medical Health Care/Uniontown Hospital, 91614th St, PO Box 988, Harrisburg, PA 17108-0988
 13985401 +Montgomery Wards, 1112 7th Avenue, Monroe, WI I 53566-1364
 13985402 +Moontgomery Wards/Home Visions, 1112 7th Avenue, Monroe, WI 53566-1364
 13985403 +Navy FCU, PO Box 3700, Merrifield, VA 22119-3700
 13985407 Sears, 133200 Smith Road, Cleveland, OH 44130
 13985408 +Sprint, PO Box 57547, Jacksonville, FL 32241-7547
 14013103 +Stoneberry, c/o Creditors Bankruptcy Service, P.O. Box 800849, Dallas, TX 75380-0849
 13985409 +Sunoco Citi Bank, PO Box 6497, Sioux Falls, SD 57117-6497
 13985410 +Sunoco/Citibank, PO Box 6497, Sioux Falls, SD 57117-6497
 13985411 +Verizon, 500 Technology Dr. Ste 300, Weldon Spring, MO 63304-2225
 13985412 WEBBABY/DFS, PO Boix 81607, Austin, TX 787081607

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

13992104 E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Apr 25 2017 02:10:59
 American InfoSource LP as agent for, T Mobile/T-Mobile USA Inc, PO Box 248848, Oklahoma City, OK 73124-8848
 14009389 E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Apr 25 2017 02:11:00
 American InfoSource LP as agent for, First Data Global Leasing, PO Box 248838, Oklahoma City, OK 73124-8838
 14018336 E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Apr 25 2017 02:10:59
 American InfoSource LP as agent for, Verizon, PO Box 248838, Oklahoma City, OK 73124-8838
 13989306 E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Apr 25 2017 02:11:00
 American InfoSource LP as agent for, Midland Funding LLC, PO Box 268941, Oklahoma City, OK 73126-8941
 13992102 +E-mail/Text: ebn@squaretwofinancial.com Apr 25 2017 02:05:25 CACH, LLC, 4340 S. Monaco Street, 2nd Floor, Denver, CO 80237-3485
 14013962 +E-mail/Text: bncmail@w-legal.com Apr 25 2017 02:04:49 CERASTES, LLC, C O WEINSTEIN & RILEY, PS, 2001 WESTERN AVENUE, STE 400, SEATTLE, WA 98121-3132
 13986160 +E-mail/Text: bankruptcy@cavps.com Apr 25 2017 02:05:13 Cavalry SPV I, LLC, 500 Summit Lake Drive, Ste 400, Valhalla, NY 10595-1340
 13985382 +E-mail/Text: creditonebknotifications@resurgent.com Apr 25 2017 02:03:24 Credit One Bank, PO Box 98873, Las Vegas, NV 89193-8873
 13985388 +E-mail/Text: bnc-bluestem@quantum3group.com Apr 25 2017 02:05:36 Fingerhut, 6250 Ridgewood Road, St. Cloud, MN 56303-0820
 13985387 +E-mail/Text: bnc-bluestem@quantum3group.com Apr 25 2017 02:05:36 Fingerhut, 6250 Ridgewood Road, Saint Cloud, MN 56303-0820
 13985394 +E-mail/PDF: gecsed@recoverycorp.com Apr 25 2017 02:00:25 GEICBPAYSMARTCONN, PO Box 965005, Orlando, FL 32896-5005
 14051676 +E-mail/Text: Hcabankruptcy-courtntices@hcamerica.com Apr 25 2017 02:05:50 Hyundai Capital America DBA, Hyundai Motor Finance, PO Box 20809, Fountain Valley, CA 92728-0809
 13985395 +E-mail/PDF: gecsed@recoverycorp.com Apr 25 2017 01:59:23 JC Penneys, PO Box 965007, Orlando, FL 32896-5007
 13985396 +E-mail/PDF: gecsed@recoverycorp.com Apr 25 2017 02:00:25 Lowes, PO Box 965005, Orlando, FL 32896-5005
 14001071 E-mail/Text: camanagement@mtb.com Apr 25 2017 02:03:45 M&T BANK, PO BOX 1288, Buffalo, NY 14240
 13985399 +E-mail/Text: bankruptcydpt@mcmcg.com Apr 25 2017 02:04:30 Midland Credit Mgmt., 8875 Aero Drive, Ste 200, San Diego, CA 92123-2255
 13985400 +E-mail/Text: bankruptcydpt@mcmcg.com Apr 25 2017 02:04:30 Midland Funding, 8875 Aero Drive, Ste 200, San Diego, CA 92123-2255
 13997074 E-mail/Text: ext_ebn_inbox@navyfederal.org Apr 25 2017 02:06:15 Navy Federal Credit Union, PO Box 3000, Merrifield, VA 22119-3000
 13985405 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Apr 25 2017 02:10:35 Portfolio Recovery, Riverside Commerce Center, 120 Corporate Blvd. Ste 100, Norfolk, VA 23502

District/off: 0315-2

User: jhel
Form ID: 149

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Total Noticed: 49

Date Rcvd: Apr 24, 2017

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center (continued)

14050632 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Apr 25 2017 02:10:37
Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541
13985406 +E-mail/PDF: gecsedirecoverycorp.com Apr 25 2017 02:00:25 Sams Club, 4125 Windward Plz.,
Alopharetta, GA 30005-8738
13985413 E-mail/Text: bnc-bluestem@quantum3group.com Apr 25 2017 02:05:36 WEBBANK/GETTINTON,
6509 Flying Cloud Drive, Eden Prairie MN 553443307
13985414 +E-mail/PDF: gecsedirecoverycorp.com Apr 25 2017 02:00:25 Walmart, PO Boix 965024,
Orlando, FL 32896-5024
TOTAL: 23

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr M&T BANK
13985383* +Credit One Bank, PO Box 98873, Las Vegas, NV 89193-8873
13985404 ##+Pennsylvania Housing Finance, 2101 N. Front Street, Harrisburg, PA 17110-1086
TOTALS: 1, * 1, ## 1

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Apr 26, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on April 24, 2017 at the address(es) listed below:

Andrew F Gornall on behalf of Creditor M&T BANK agornall@goldbecklaw.com,
bkgroup@goldbecklaw.com;bkgroup@kmlawgroup.com
James Warmbrodt on behalf of Creditor M&T BANK bkgroup@kmlawgroup.com
Joseph E. Fieschko, Jr. on behalf of Debtor Vincent E Pratt joe@fieschko.com, rcfishko@aol.com
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 5